

ESTTA Tracking number: **ESTTA688942**

Filing date: **08/11/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Nu Mark LLC		
Entity	limited liability company	Citizenship	Virginia
Address	6603 West Broad Street Richmond, VA 23230 UNITED STATES		

Correspondence information	Ann K. Ford DLA Piper LLP (US) 500 Eighth Street NW Washington, DC 20004 UNITED STATES ann.ford@dlapiper.com, john.nading@dlapiper.com, ashley.joyce@dlapiper.com, alberto.zacapa@dlapiper.com, dctrademarks@dlapiper.com Phone: 2027994000
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### Applicant Information

Application No	86546484	Publication date	07/21/2015
Opposition Filing Date	08/11/2015	Opposition Period Ends	08/20/2015
Applicant	Hua Jian 5-202, Xiabu Temple, Futian District Shenzhen, Guangdong, CHINA		

### Goods/Services Affected by Opposition

Class 034. First Use: 2014/03/08 First Use In Commerce: 2014/03/08 All goods and services in the class are opposed, namely: Ashtrays for smokers; Chemical flavorings for the preparation of tobacco, namely, cigarette tobacco, chewing tobacco and snuff; Chemical flavorings in liquid form used to refill electronic cigarette cartridges; Chewing tobacco; Cigarette cases; Cigarette filters; Cigarette holders; Cigarettes; Cigarettes containing tobacco substitutes not for medical purposes; Cigars; Electric cigarettes; Electronic cigarette liquid (e-liquid) comprised of flavorings in liquid form used to refill electronic cigarette cartridges; Flavorings for tobacco substitutes; Flavourings, other than essential oils, for tobacco; Flavourings, other than essential oils, for use in electronic cigarettes; Herbs for smoking; Lighters for smokers; Matches; Tobacco; Tobacco filters; Tobacco pipes
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### Grounds for Opposition


Priority and likelihood of confusion	Trademark Act section 2(d)
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### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4499047	Application Date	10/29/2012
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Registration Date	03/18/2014	Foreign Priority Date	NONE
Word Mark	MARKTEN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 034. First use: First Use: 2013/08/12 First Use In Commerce: 2013/08/12 Tobacco products, namely, electronic cigarettes and cartomizers		

U.S. Registration No.	4512542	Application Date	05/03/2013
Registration Date	04/08/2014	Foreign Priority Date	03/19/2013
Word Mark	MARKTEN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2013/08/12 First Use In Commerce: 2013/08/12 Batteries, battery chargers, and car power adapters for electronic cigarettes		

U.S. Registration No.	4512648	Application Date	06/11/2013
Registration Date	04/08/2014	Foreign Priority Date	NONE
Word Mark	MARKTEN		
Design Mark			
Description of Mark	The mark consists of the word "MARKTEN".		
Goods/Services	Class 034. First use: First Use: 2013/08/12 First Use In Commerce: 2013/08/12 Electronic cigarettes and cartomizers		

U.S. Registration No.	4512649	Application Date	06/11/2013
Registration Date	04/08/2014	Foreign Priority Date	NONE
Word Mark	MARKTEN		
Design Mark			
Description of Mark	The mark consists of the word "MARKTEN".		
Goods/Services	Class 009. First use: First Use: 2013/08/12 First Use In Commerce: 2013/08/12 Batteries, battery chargers, and car adaptors for electronic cigarettes		


U.S. Registration No.	4512650	Application Date	06/11/2013
Registration Date	04/08/2014	Foreign Priority Date	NONE
Word Mark	MARKTEN		
Design Mark			
Description of Mark	The mark consists of the word "MARKTEN", with the letters "MARK" appearing in black and letters "TEN" appearing in red.		
Goods/Services	Class 034. First use: First Use: 2013/08/12 First Use In Commerce: 2013/08/12 Electronic cigarettes and cartomizers		

U.S. Registration No.	4512651	Application Date	06/11/2013
Registration Date	04/08/2014	Foreign Priority Date	NONE
Word Mark	MARKTEN		

Design Mark	
Description of Mark	The mark consists of the word "MARKTEN", with the letters "MARK" appearing in black and the letters "TEN" appearing in red.
Goods/Services	Class 009. First use: First Use: 2013/08/12 First Use In Commerce: 2013/08/12 Batteries, battery chargers, and car adaptors for electronic cigarettes


U.S. Registration No.	4512652	Application Date	06/11/2013
Registration Date	04/08/2014	Foreign Priority Date	NONE
Word Mark	MARKTEN		
Design Mark			
Description of Mark	The mark consists of a rectangle with a black exterior border and red interior above a black horizontal line with a curved end on the left side over the word "MARKTEN" with the letters "MARK" appearing in black and the letters "TEN" appearing in red.		
Goods/Services	Class 034. First use: First Use: 2013/08/12 First Use In Commerce: 2013/08/12 Electronic cigarettes and cartomizers		

U.S. Registration No.	4512653	Application Date	06/11/2013
Registration Date	04/08/2014	Foreign Priority Date	NONE
Word Mark	MARKTEN		


Design Mark	
Description of Mark	The mark consists of a rectangle with a black exterior border and red interior above a black horizontal line with a curved end on the left side over the word "MARKTEN" with the letters "MARK" appearing in black and the letters "TEN" appearing in red.
Goods/Services	Class 009. First use: First Use: 2013/08/12 First Use In Commerce: 2013/08/12 Batteries, battery chargers, and car adaptors for electronic cigarettes

U.S. Registration No.	4512654	Application Date	06/11/2013
Registration Date	04/08/2014	Foreign Priority Date	NONE

Word Mark	MARKTEN
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Design Mark	
Description of Mark	The mark consists of a rectangle with a black exterior border and red interior above a black horizontal line with a curved end on the left side placed to the left of the word "MARKTEN" with the letters "MARK" appearing in black and the letters "TEN" appearing in red.
Goods/Services	Class 034. First use: First Use: 2013/08/12 First Use In Commerce: 2013/08/12 Electronic cigarettes and cartomizers

U.S. Application No.	85956499	Application Date	06/11/2013
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Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MARKTEN		
Design Mark			
Description of Mark	The mark consists of a rectangle with a black exterior border and red interior above a black horizontal line with a curved end on the left side placed to the left of the word "MARKTEN" with the letters "MARK" appearing in black and the letters "TEN" appearing in red.		
Goods/Services	Class 009. First use: First Use: 0 First Use In Commerce: 0 Batteries, battery chargers, and car adaptors for electronic cigarettes		

Attachments	85922442#TMSN.png( bytes ) 85956460#TMSN.png( bytes ) 85956462#TMSN.png( bytes ) 85956465#TMSN.png( bytes ) 85956467#TMSN.png( bytes ) 85956488#TMSN.png( bytes ) 85956492#TMSN.png( bytes ) 85956496#TMSN.png( bytes ) 85956499#TMSN.png( bytes ) Notice of Opposition for MARK 19 (U.S. App. No. 86546484) final.pdf(162292 bytes ) EXHIBIT A -1.pdf(2456685 bytes ) EXHIBIT A -2.pdf(2340791 bytes ) EXHIBIT A -3.pdf(4904260 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Ann K. Ford/
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Name	Ann K. Ford
Date	08/11/2015

In the matter of Trademark  
Application Serial No. 86/546,484  
Mark: MARK 19  
Filing Date: February 26, 2015  
Published for Opposition: July 21, 2015

Opposition No. \_\_\_\_\_

Opposer Nu Mark LLC (hereinafter “Opposer” or “Nu Mark”) believes that it is or will be damaged by the registration of United States Trademark Application Serial No. 86/546,484, as filed with the United States Patent and Trademark Office (hereinafter “USPTO”) on February 26, 2015, by Hua Jian (hereinafter “Applicant” or “Jian”), for the stylized trademark MARK 19 in connection with “Ashtrays for smokers; Chemical flavorings for the preparation of tobacco, namely, cigarette tobacco, chewing tobacco and snuff; Chemical flavorings in liquid form used to refill electronic cigarette cartridges; Chewing tobacco; Cigarette cases; Cigarette filters; Cigarette holders; Cigarettes; Cigarettes containing tobacco substitutes not for medical purposes; Cigars; Electric cigarettes; Electronic cigarette liquid (e-liquid) comprised of flavorings in liquid form used to refill electronic cigarette cartridges; Flavorings for tobacco substitutes; Flavourings, other than essential oils, for tobacco; Flavourings, other than essential oils, for use in electronic cigarettes; Herbs for smoking; Lighters for smokers; Matches; Tobacco; Tobacco filters;



Tobacco pipes” in International Class (“Class”) 34 (hereinafter “Applicant’s Goods”). Nu Mark hereby opposes said application under the provisions of Section 13 of the Trademark Act of 1946 (hereinafter “Lanham Act”), 15 U.S.C. § 1063.

As grounds for the Opposition, Nu Mark alleges the following:

(1) Nu Mark is a limited liability company organized under the laws of Virginia, having its principal place of business at 6603 West Broad Street, Richmond, Virginia 23230.

(2) Nu Mark is a leading developer of innovative tobacco products, including electronic cigarette and vapor devices, cartomizers, batteries, battery chargers, and car power adapters for electronic cigarettes in the United States and throughout the world (“Nu Mark’s Goods”).

(3) In connection therewith, Nu Mark owns a family of “MARKTEN” trademarks, including the following U.S. trademark registrations and application (collectively hereinafter the “MARKTEN Marks”):

(a) U.S. Trademark Registration No. 4,499,047 for MARKTEN (word mark only), registered on March 18, 2014, in connection with “Tobacco products, namely, electronic cigarettes and cartomizers” in Class 34, with a claimed date of first use in commerce of August 12, 2013.

(b) U.S. Trademark Registration No. 4,512,542 for MARKTEN (word mark only), registered on March 18, 2014, in connection with “Batteries, battery chargers, and car power adapters for electronic cigarettes” in Class 9, with a claimed date of first use in commerce of August 12, 2013.

MARKTEN

- (c) U.S. Trademark Registration No. 4,512,648 for MARKTEN (word mark stylized), registered on April 8, 2014, in connection with “Electronic cigarettes and cartomizers” in Class 34, with a claimed date of first use in commerce of August 12, 2013.

MARKTEN

- (d) U.S. Trademark Registration No. 4,512,649 for MARKTEN (word mark stylized), registered on April 8, 2014, in connection with “Batteries, battery chargers, and car adaptors for electronic cigarettes” in Class 9, with a claimed date of first use in commerce of August 12, 2013.

MARKTEN

- (e) U.S. Trademark Registration No. 4,512,650 for MARKTEN (word mark stylized), registered on April 8, 2014, in connection with “Electronic cigarettes and cartomizers” in Class 34, with a claimed date of first use in commerce of August 12, 2013.

MARKTEN

- (f) U.S. Trademark Registration No. 4,512,651 for MARKTEN (word mark stylized), registered on April 8, 2014, in connection with “Batteries, battery chargers, and car adaptors for electronic cigarettes” in Class 9, with a claimed date of first use in commerce of August 12, 2013.



- (g) U.S. Trademark Registration No. 4,512,652 for MARKTEN (word mark stylized & design), registered on April 8, 2014, in connection with “Electronic cigarettes and cartomizers” in Class 34, with a claimed date of first use in commerce of August 12, 2013.



- (h) U.S. Trademark Registration No. 4,512,653 for MARKTEN (word mark stylized & design), registered on April 8, 2014, in connection with “Batteries, battery chargers, and car adaptors for electronic cigarettes” in Class 9, with a claimed date of first use in commerce of August 12, 2013.



- (i) U.S. Trademark Registration No. 4,512,654 for MARKTEN (design & words), registered on April 8, 2014, in connection with “Electronic cigarettes and cartomizers” in Class 34, with a claimed date of first use in commerce of August 12, 2013.



- (j) U.S. Trademark Application Serial No. 85/956,499 for MARKTEN (design & words), filed on June 11, 2013, in connection with “Batteries, battery chargers, and car adaptors for electronic cigarettes” in Class 9, based on an intent to use.

Attached hereto as **Exhibit A** and made part of the record are true and correct copies of the United States Certificates of Registrations and the TSDR and TESS print-outs from the USPTO website for the above-referenced trademark registrations and application.

(4) Nu Mark’s Trademark Registration Nos. 4,499,047, 4,512,542, 4,512,648, 4,512,649, 4,512,650, 4,512,651, 4,512,652, 4,512,653, 4,512,654 and Trademark Application No. 85/956,499 are valid and subsisting, and provide conclusive evidence of Nu Mark’s right to use the MARKTEN Marks in commerce.

(5) Thus, Nu Mark owns nine Trademark Registrations and one Trademark Application for the MARKTEN Marks, with a date of first use at least as early as August 12, 2013.

(6) Nu Mark has extensively used the MARKTEN Marks and has advertised, promoted, and offered the Nu Mark Goods under the MARKTEN Marks in interstate commerce through various channels of trade. Two examples of use of the MARKTEN Marks are below:



(7) As a result, Nu Mark's customers, potential customers, and the public in general have come to know and recognize the MARKTEN Marks as identifying the Nu Mark Goods as goods of the highest quality offered by Nu Mark, and associate the Nu Mark MARKTEN Marks with the Nu Mark Goods. Nu Mark has, thus, built up extensive and invaluable goodwill in connection with the sale of its goods offered under its MARKTEN Marks.

(8) Upon information and belief, Applicant is an individual having an address at 5-202, Xiabu Temple, Futian District, Shenzhen, Guangdong, China.

(9) Notwithstanding Nu Mark's rights in and to MARKTEN Marks, on February 26, 2015, Applicant filed a use-based application under Section 1(a) of the Lanham Act, 15 U.S.C. § 1051(a), with the USPTO for registration of the stylized trademark MARK 19 (hereinafter the "Application"). The Application was assigned Serial No. 86/546,484. The first use and first use in commerce date appearing in the Application is March 8, 2014.

(10) Upon information and belief, Applicant has made no use of its alleged trademark in commerce.

(11) Nu Mark's earliest application filing date is June 11, 2013. Nu Mark's federal registrations for the MARKTEN Marks issued as early as March 18, 2014, with a date of first use at least as early as August 12, 2013; therefore, there is no issue as to priority as Nu Mark has prior rights.

(12) Upon information and belief, Applicant knew or had reason to know of Nu Mark's MARKTEN Marks and its federal Registrations and Application when Applicant filed the Application on February 26, 2015 as Nu Mark's Registrations for the MARKTEN Marks

issued as early as March 18, 2014, with a date of first use of August 12, 2013, and Nu Mark filed its intent-to-use Application as early as June 11, 2013; therefore, there is no issue as to priority as Nu Mark has prior rights.

**LIKELIHOOD OF CONFUSION**  
**Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d)**

(13) Nu Mark re-alleges the allegations contained in Paragraphs 1 through 12 of this Notice of Opposition.

(14) Applicant's alleged mark MARK 19 is very similar to, and thus so resembles Nu Mark's MARKTEN Marks in appearance, sound, meaning and commercial impression, such that use and registration thereof is likely to cause confusion, mistake, and deception as to the source or origin of Applicant's Goods in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), and will injure and damage Nu Mark and the goodwill and reputation symbolized by Nu Mark's MARKTEN Marks.

(15) Specifically, Applicant's alleged MARK 19 mark, as applied for, is comprised of the term "MARK" plus the number "19," similar to Applicant's "MARKTEN" marks, which is also comprised of the term "MARK" and the word "TEN." Thus the appearance of the two marks is very similar.

(16) The pronunciation of the term MARK 19 is the word "MARK" with a number following it and as such, the sound of MARKTEN and MARK 19 is quite similar as a consumer would expect the marks to be the same or at least affiliated.

(17) As Nu Mark's MARKTEN Marks are used with innovative tobacco products such as electronic cigarettes and electronic cigarette devices, the MARKTEN Marks have developed goodwill and have established themselves among electronic cigarette consumers. Thus, the

alleged MARK 19 mark, which is allegedly used with tobacco products and electronic cigarettes, has a very similar connotation as the MARKTEN Marks.

(18) Applicant's Goods offered under the Application are identical to, or so related to, the goods offered in connection with Nu Mark's MARKTEN Marks that the public is likely to be confused, deceived, and to assume erroneously that Applicant's Goods are those of Nu Mark's or that Applicant is in some way connected with, licensed, or sponsored by or affiliated with Nu Mark, all to Nu Mark's irreparable damage. Indeed, there is a direct overlap between the goods contained in Nu Mark's applications, such as "electronic cigarettes," and those contained in Applicant's Application, such as "electric cigarettes."

(19) Likelihood of confusion is enhanced by the fact that Applicant's alleged MARK 19 mark is very similar to Nu Mark's MARKTEN Marks, and wholly incorporates the word MARK, plus a number, such that the public is likely to be confused, deceived, and to assume erroneously that Applicant's Goods are those of Nu Mark or that Applicant is in some way connected with, licensed, or sponsored by or affiliated with Nu Mark, all to Nu Mark's irreparable damage.

(20) Likelihood of confusion is also enhanced by the fact that Applicant's alleged MARK 19 mark is visually and phonetically similar to the MARKTEN Marks and because Applicant's Goods are nearly identical to Nu Mark's Goods.

(21) Likelihood of confusion is further enhanced by the fact that Nu Mark and Applicant will market their goods in the same or similar channels of trade.

(22) Applicant is not affiliated or connected with Nu Mark and has not been endorsed or sponsored by Nu Mark, nor has Nu Mark approved any of the goods offered or sold or intended to be sold by Applicant under Nu Mark's MARKTEN Marks.



(23) Applicant has never sought or obtained Nu Mark's permission to use the alleged MARK 19 mark, nor has Nu Mark approved any of the goods offered by Applicant under the alleged MARK 19 mark.

(24) Nu Mark's MARKTEN Marks predate the filing date of the Application and consequently there is no question of priority of rights, as such priority clearly belongs to Nu Mark.

(25) Nu Mark's Trademark Registrations and Application identified above provide, at the very least, constructive notice to Applicant of Nu Mark's rights in and to the MARKTEN Marks.

If Applicant obtains such rights as conferred under the Principal Register of the Lanham Act, he will obtain at least a *prima facie* exclusive right to use his trademark, and Nu Mark will be subjected to great and irreparable damage, and Applicant will enjoy unlawful gain and advantage to which he is not entitled under the Lanham Act.

WHEREFORE, Nu Mark believes and alleges that it is being, and will continue to be, damaged by the registration of the Application, and respectfully requests that the Application be rejected, that no registration be issued thereon to Applicant, and that the Opposition be sustained in favor of Nu Mark.

Nu Mark hereby appoints Ann K. Ford, a member of the Bar of the District of Columbia; Thomas E. Zutic, a member of the Bar of the District of Columbia; John M. Nading, a member of the Bar of the District of Columbia; David M. Kramer, a member of the Bar of the District of Columbia; Eunice R. Chung, a member of the Bar of the District of Columbia; Ashley H. Joyce, a member of the Bar of the District of Columbia; and all of the law firm of DLA Piper LLP (US), 500 8th Street, N.W., Washington, D.C. 20004, telephone number (202) 799-4000, to transact all

business in the USPTO in connection with this Opposition Proceeding and hereby revokes all previous powers of attorney herein.

Please address all correspondence to:

Ann K. Ford, Esq.  
DLA Piper LLP (US)  
500 8th Street, N.W.  
Washington, D.C. 20004  
*dctrademarks@dlapiper.com*

The filing fee for this opposition, in the amount of \$300.00, is hereby electronically transferred with the submission of the Notice of Opposition.

The undersigned, registered agent for Nu Mark herein, states that she is authorized to prosecute this Opposition, that she has read and signed the foregoing Notice of Opposition and knows the contents thereof, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of this Opposition and any decision resulting therefrom.

Dated: August 11, 2015

Respectfully submitted,

**DLA PIPER LLP (US)**

By: /s/ Ann K. Ford  
Ann K. Ford  
Thomas E. Zutic  
John M. Nading  
Ashley H. Joyce  
500 8th Street, N.W.  
Washington, D.C. 20004  
Tel. 202-799-4000  
Fax 202-799-5000

*Attorneys for Opposer Nu Mark LLC*

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing **NOTICE OF OPPOSITION** was served via U.S. First Class Mail, postage prepaid, and properly addressed to Applicant's attorney at the address listed below:

Anthea Lee  
10685B Hazelhurst Dr # 9123  
Houston, Texas 77043-3238

this 11th day of August, 2015.

/s/ Ann K. Ford  
Ann K. Ford  
*Attorney for Opposer*

# **EXHIBIT A**

**United States of America**  
United States Patent and Trademark Office

**MARKTEN**

**Reg. No. 4,499,047**

**Registered Mar. 18, 2014**

**Int. Cl.: 34**

**TRADEMARK**

**PRINCIPAL REGISTER**

NU MARK LLC (VIRGINIA LIMITED LIABILITY COMPANY)  
6601 WEST BROAD STREET  
RICHMOND, VA 23230

FOR: TOBACCO PRODUCTS, NAMELY, ELECTRONIC CIGARETTES AND CARTOMIZERS,  
IN CLASS 34 (U.S. CLS. 2, 8, 9 AND 17).

FIRST USE 8-12-2013; IN COMMERCE 8-12-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-765,871, FILED 10-29-2012.

MICHAEL TANNER, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

***First Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

***Second Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\*  
*See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or  
reminder of these filing requirements.**

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

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Mark: MARKTEN

MARKTEN

US Serial Number: 85765871  
US Registration Number: 4499047  
Register: Principal  
Mark Type: Trademark  
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.  
Status Date: Mar. 18, 2014  
Publication Date: Oct. 15, 2013  
Application Filing Date: Oct. 29, 2012  
Registration Date: Mar. 18, 2014  
Notice of Allowance Date: Dec. 10, 2013

## Mark Information

Mark Literal Elements: MARKTEN  
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.  
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

## Related Properties Information

International Registration Number: 1156180, 1144082, 1160498, 1160498A  
International Application(s) /Registration(s) Based on this Property: A0034749/1156180, A0033051/1144082, A0035513/1160498, A0035513/1160498A

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: Tobacco products, namely, electronic cigarettes and cartomizers  
International Class(es): 034 - Primary Class  
U.S Class(es): 002, 008, 009, 017  
Class Status: ACTIVE  
Basis: 1(a)  
First Use: Aug. 12, 2013  
Use in Commerce: Aug. 12, 2013

## Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

Owner Name: Nu Mark LLC  
Owner Address: 6603 West Broad Street  
Richmond, VIRGINIA 23230  
UNITED STATES  
Legal Entity Type: LIMITED LIABILITY COMPANY  
State or Country Where Organized: VIRGINIA

## Attorney/Correspondence Information

**Attorney of Record****Attorney Name:** Robyn Ettricks**Attorney Primary Email Address:** [Trademarkgroup@altria.com](mailto:Trademarkgroup@altria.com)**Attorney Email Authorized:** Yes**Correspondent****Correspondent Name/Address:** Robyn Ettricks  
601 E JACKSON ST  
RICHMOND, VIRGINIA 23219  
UNITED STATES**Correspondent e-mail:** [Trademarkgroup@altria.com](mailto:Trademarkgroup@altria.com) [dctrademarks@dlapi.com](mailto:dctrademarks@dlapi.com)**Correspondent e-mail Authorized:** Yes**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Jun. 01, 2015	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 01, 2015	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 04, 2014	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jun. 04, 2014	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Apr. 16, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 16, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Mar. 18, 2014	REGISTERED-PRINCIPAL REGISTER	
Feb. 12, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 12, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 11, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Feb. 08, 2014	LAW OFFICE REGISTRATION REVIEW COMPLETED	73797
Feb. 07, 2014	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Feb. 06, 2014	STATEMENT OF USE PROCESSING COMPLETE	65362
Jan. 06, 2014	USE AMENDMENT FILED	65362
Feb. 06, 2014	CASE ASSIGNED TO INTENT TO USE PARALEGAL	65362
Jan. 06, 2014	TEAS STATEMENT OF USE RECEIVED	
Dec. 10, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Oct. 15, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 15, 2013	PUBLISHED FOR OPPOSITION	
Sep. 25, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Sep. 16, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 11, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	73797
Sep. 11, 2013	ASSIGNED TO LIE	73797
Sep. 09, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Sep. 09, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Aug. 30, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 31, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jul. 31, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jul. 31, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 27, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Feb. 27, 2013	NON-FINAL ACTION E-MAILED	6325
Feb. 27, 2013	NON-FINAL ACTION WRITTEN	78480
Feb. 26, 2013	ASSIGNED TO EXAMINER	78480
Nov. 03, 2012	NOTICE OF PSEUDO MARK MAILED	
Nov. 02, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Nov. 01, 2012	NEW APPLICATION ENTERED IN TRAM	



## TM Staff and Location Information

---

TM Staff Information - None

File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Feb. 08, 2014



## United States Patent and Trademark Office

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**Record 1 out of 1**[TSDR](#)[ASSIGN Status](#)[TTAB Status](#)*( Use the "Back" button of the Internet Browser to return to TESS)*

# MARKTEN

<b>Word Mark</b>	MARKTEN
<b>Goods and Services</b>	IC 034. US 002 008 009 017. G & S: Tobacco products, namely, electronic cigarettes and cartomizers. FIRST USE: 20130812. FIRST USE IN COMMERCE: 20130812
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	85765871
<b>Filing Date</b>	October 29, 2012
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	October 15, 2013
<b>Registration Number</b>	<b>4499047</b>
<b>International Registration Number</b>	1144082; 1156180; 1160498; 1160498A
<b>Registration Date</b>	March 18, 2014
<b>Owner</b>	(REGISTRANT) Nu Mark LLC LIMITED LIABILITY COMPANY VIRGINIA 6603 West Broad Street Richmond VIRGINIA 23230
<b>Attorney of Record</b>	Robyn Ettricks
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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**United States of America**  
United States Patent and Trademark Office

**MARKTEN**

**Reg. No. 4,512,542**

**Registered Apr. 8, 2014**

**Int. Cl.: 9**

**TRADEMARK**

**PRINCIPAL REGISTER**

NU MARK LLC (VIRGINIA LIMITED LIABILITY COMPANY)  
6601 WEST BROAD STREET  
RICHMOND, VA 23230

FOR: BATTERIES, BATTERY CHARGERS, AND CAR POWER ADAPTERS FOR ELECTRONIC CIGARETTES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 8-12-2013; IN COMMERCE 8-12-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

PRIORITY CLAIMED UNDER SEC. 44(D) ON ERPN CMNTY TM OFC APPLICATION NO. 11670239, FILED 3-19-2013.

SN 85-922,442, FILED 5-3-2013.

SUNG IN, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***  
**What and When to File:**

***First Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

***Second Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\*  
*See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***  
**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or  
reminder of these filing requirements.**

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

**Generated on:** This page was generated by TSDR on 2015-08-11 14:48:30 EDT

**Mark:** MARKTEN

MARKTEN

**US Serial Number:** 85922442

**Application Filing Date:** May 03, 2013

**US Registration Number:** 4512542

**Registration Date:** Apr. 08, 2014

**Register:** Principal

**Mark Type:** Trademark

**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.

**Status Date:** Apr. 08, 2014

**Publication Date:** Aug. 13, 2013

**Notice of Allowance Date:** Oct. 08, 2013

---

## Mark Information

---

**Mark Literal Elements:** MARKTEN

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

---

## Foreign Information

---

**Priority Claimed:** Yes

**Foreign Application Number:** 11670239

**Foreign Application Filing Date:** Mar. 19, 2013

**Foreign Application/Registration Country:** EUROPEAN (EU) OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET (OHIM)

---

## Goods and Services

---

**Note:** The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*...\* identify additional (new) wording in the goods/services.

**For:** Batteries, battery chargers, and car power adapters for electronic cigarettes

**International Class(es):** 009 - Primary Class

**U.S Class(es):** 021, 023, 026, 036, 038

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Aug. 12, 2013

**Use in Commerce:** Aug. 12, 2013

---

## Basis Information (Case Level)

---

**Filed Use:** No

**Currently Use:** Yes

**Amended Use:** No

**Filed ITU:** Yes

**Currently ITU:** No

**Amended ITU:** No

**Filed 44D:** Yes

**Currently 44D:** No

**Amended 44D:** No

**Filed 44E:** No

**Currently 44E:** No

**Amended 44E:** No

**Filed 66A:** No

**Currently 66A:** No

**Filed No Basis:** No

**Currently No Basis:** No

---

## Current Owner(s) Information

---

**Owner Name:** Nu Mark LLC

**Owner Address:** 6603 West Broad Street  
Richmond, VIRGINIA 23230  
UNITED STATES

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:** VIRGINIA

---

## Attorney/Correspondence Information

---

**Attorney of Record****Attorney Name:** Robyn Ettricks**Attorney Primary Email Address:** [Trademarkgroup@altria.com](mailto:Trademarkgroup@altria.com)**Attorney Email Authorized:** Yes**Correspondent****Correspondent Name/Address:** Robyn Ettricks  
601 E JACKSON ST  
RICHMOND, VIRGINIA 23219  
UNITED STATES**Correspondent e-mail:** [Trademarkgroup@altria.com](mailto:Trademarkgroup@altria.com) [dctrademarks@dlapi.com](mailto:dctrademarks@dlapi.com)**Correspondent e-mail Authorized:** Yes**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Jun. 01, 2015	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 01, 2015	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 04, 2014	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jun. 04, 2014	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Apr. 16, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 16, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Apr. 08, 2014	REGISTERED-PRINCIPAL REGISTER	
Mar. 01, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Feb. 28, 2014	LAW OFFICE REGISTRATION REVIEW COMPLETED	66121
Feb. 26, 2014	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Feb. 12, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 12, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 11, 2014	STATEMENT OF USE PROCESSING COMPLETE	66230
Jan. 06, 2014	USE AMENDMENT FILED	66230
Feb. 07, 2014	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66230
Jan. 06, 2014	TEAS STATEMENT OF USE RECEIVED	
Oct. 08, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Sep. 16, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 09, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Sep. 09, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Aug. 13, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 13, 2013	PUBLISHED FOR OPPOSITION	
Jul. 24, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jul. 05, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	66121
Jul. 03, 2013	ASSIGNED TO LIE	66121
Jun. 14, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 14, 2013	EXAMINER'S AMENDMENT ENTERED	88888
Jun. 14, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jun. 14, 2013	EXAMINERS AMENDMENT E-MAILED	6328
Jun. 14, 2013	EXAMINERS AMENDMENT -WRITTEN	80815
Jun. 11, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jun. 11, 2013	NON-FINAL ACTION E-MAILED	6325
Jun. 11, 2013	NON-FINAL ACTION WRITTEN	80815
Jun. 04, 2013	ASSIGNED TO EXAMINER	80815
May 10, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 07, 2013	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

---

TM Staff Information - None

File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Feb. 28, 2014



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**Record 1 out of 1**[TSDR](#)[ASSIGN Status](#)[TTAB Status](#)

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# MARKTEN

<b>Word Mark</b>	MARKTEN
<b>Goods and Services</b>	IC 009. US 021 023 026 036 038. G & S: Batteries, battery chargers, and car power adapters for electronic cigarettes. FIRST USE: 20130812. FIRST USE IN COMMERCE: 20130812
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	85922442
<b>Filing Date</b>	May 3, 2013
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B;44D
<b>Published for Opposition</b>	August 13, 2013
<b>Registration Number</b>	<b>4512542</b>
<b>Registration Date</b>	April 8, 2014
<b>Owner</b>	(REGISTRANT) Nu Mark LLC LIMITED LIABILITY COMPANY VIRGINIA 6603 West Broad Street Richmond VIRGINIA 23230
<b>Attorney of Record</b>	Robyn Ettricks
<b>Priority Date</b>	March 19, 2013
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL

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Indicator

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# United States of America

United States Patent and Trademark Office

# MARKTEN

**Reg. No. 4,512,648**

**Registered Apr. 8, 2014**

**Int. Cl.: 34**

**TRADEMARK**

**PRINCIPAL REGISTER**

NU MARK LLC (VIRGINIA LIMITED LIABILITY COMPANY)  
6601 WEST BROAD STREET  
RICHMOND, VA 23230

FOR: ELECTRONIC CIGARETTES AND CARTOMIZERS, IN CLASS 34 (U.S. CLS. 2, 8, 9 AND 17).

FIRST USE 8-12-2013; IN COMMERCE 8-12-2013.

THE MARK CONSISTS OF THE WORD "MARKTEN".

SN 85-956,460, FILED 6-11-2013.

SUNG IN, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***  
**What and When to File:**

***First Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

***Second Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\*  
*See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***  
**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or  
reminder of these filing requirements.**

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE:** Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

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Mark: MARKTEN

MARKTEN

US Serial Number: 85956460  
US Registration Number: 4512648  
Register: Principal  
Mark Type: Trademark  
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.  
Status Date: Apr. 08, 2014  
Publication Date: Sep. 24, 2013  
Application Filing Date: Jun. 11, 2013  
Registration Date: Apr. 08, 2014  
Notice of Allowance Date: Nov. 19, 2013

## Mark Information

Mark Literal Elements: MARKTEN  
Standard Character Claim: No  
Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM  
Description of Mark: The mark consists of the word "MARKTEN".  
Color(s) Claimed: Color is not claimed as a feature of the mark.

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: Electronic cigarettes and cartomizers  
International Class(es): 034 - Primary Class  
Class Status: ACTIVE  
Basis: 1(a)  
First Use: Aug. 12, 2013  
U.S Class(es): 002, 008, 009, 017  
Use in Commerce: Aug. 12, 2013

## Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

Owner Name: Nu Mark LLC  
Owner Address: 6603 West Broad Street  
Richmond, VIRGINIA 23230  
UNITED STATES  
Legal Entity Type: LIMITED LIABILITY COMPANY  
State or Country Where Organized: VIRGINIA

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Robyn Ettricks  
Attorney Primary Email Address: [Trademarkgroup@altria.com](mailto:Trademarkgroup@altria.com)  
Attorney Email Authorized: Yes

### Correspondent

**Correspondent** Robyn Ettricks  
**Name/Address:** 601 E JACKSON ST  
RICHMOND, VIRGINIA 23219  
UNITED STATES

**Correspondent e-mail:** [Trademarkgroup@altria.com](mailto:Trademarkgroup@altria.com) [dctrademarks@dlapi.per.com](mailto:dctrademarks@dlapi.per.com)

**Correspondent e-mail** Yes  
**Authorized:**

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Jun. 01, 2015	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 01, 2015	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 04, 2014	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jun. 04, 2014	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Apr. 16, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 16, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Apr. 08, 2014	REGISTERED-PRINCIPAL REGISTER	
Mar. 06, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Mar. 05, 2014	LAW OFFICE REGISTRATION REVIEW COMPLETED	69712
Feb. 26, 2014	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Feb. 12, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 12, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 11, 2014	STATEMENT OF USE PROCESSING COMPLETE	66230
Jan. 06, 2014	USE AMENDMENT FILED	66230
Feb. 07, 2014	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66230
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Sep. 24, 2013	PUBLISHED FOR OPPOSITION	
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Sep. 09, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Sep. 09, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Sep. 04, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Aug. 21, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	69712
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Aug. 02, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 02, 2013	EXAMINER'S AMENDMENT ENTERED	88888
Aug. 02, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Aug. 02, 2013	EXAMINERS AMENDMENT E-MAILED	6328
Aug. 02, 2013	EXAMINERS AMENDMENT -WRITTEN	80815
Jul. 31, 2013	ASSIGNED TO EXAMINER	80815
Jun. 19, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 14, 2013	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

**TM Staff Information - None**

**File Location**

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Mar. 05, 2014



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**Record 1 out of 1**[TSDR](#)[ASSIGN Status](#)[TTAB Status](#)*( Use the "Back" button of the Internet Browser to return to TESS)***MARKTEN**

<b>Word Mark</b>	MARKTEN
<b>Goods and Services</b>	IC 034. US 002 008 009 017. G & S: Electronic cigarettes and cartomizers. FIRST USE: 20130812. FIRST USE IN COMMERCE: 20130812
<b>Mark Drawing Code</b>	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
<b>Serial Number</b>	85956460
<b>Filing Date</b>	June 11, 2013
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	September 24, 2013
<b>Registration Number</b>	<b>4512648</b>
<b>Registration Date</b>	April 8, 2014
<b>Owner</b>	(REGISTRANT) Nu Mark LLC LIMITED LIABILITY COMPANY VIRGINIA 6603 West Broad Street Richmond VIRGINIA 23230
<b>Attorney of Record</b>	Robyn Ettricks
<b>Description of Mark</b>	Color is not claimed as a feature of the mark. The mark consists of the word "MARKTEN".
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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# United States of America

United States Patent and Trademark Office

## MARKTEN

**Reg. No. 4,512,649**

**Registered Apr. 8, 2014**

**Int. Cl.: 9**

**TRADEMARK**

**PRINCIPAL REGISTER**

NU MARK LLC (VIRGINIA LIMITED LIABILITY COMPANY)  
6601 WEST BROAD STREET  
RICHMOND, VA 23230

FOR: BATTERIES, BATTERY CHARGERS, AND CAR ADAPTORS FOR ELECTRONIC CIGARETTES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 8-12-2013; IN COMMERCE 8-12-2013.

THE MARK CONSISTS OF THE WORD "MARKTEN".

SN 85-956,462, FILED 6-11-2013.

SUNG IN, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

***First Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

***Second Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\*  
*See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

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**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements.**

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE:** Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

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Mark: MARKTEN

MARKTEN

US Serial Number: 85956462  
US Registration Number: 4512649  
Register: Principal  
Mark Type: Trademark  
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.  
Status Date: Apr. 08, 2014  
Publication Date: Sep. 24, 2013  
Application Filing Date: Jun. 11, 2013  
Registration Date: Apr. 08, 2014  
Notice of Allowance Date: Nov. 19, 2013

## Mark Information

Mark Literal Elements: MARKTEN  
Standard Character Claim: No  
Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM  
Description of Mark: The mark consists of the word "MARKTEN".  
Color(s) Claimed: Color is not claimed as a feature of the mark.

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: Batteries, battery chargers, and car adaptors for electronic cigarettes  
International Class(es): 009 - Primary Class  
U.S Class(es): 021, 023, 026, 036, 038  
Class Status: ACTIVE  
Basis: 1(a)  
First Use: Aug. 12, 2013  
Use in Commerce: Aug. 12, 2013

## Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

Owner Name: Nu Mark LLC  
Owner Address: 6603 West Broad Street  
Richmond, VIRGINIA 23230  
UNITED STATES  
Legal Entity Type: LIMITED LIABILITY COMPANY  
State or Country Where Organized: VIRGINIA

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Robyn Ettricks  
Attorney Primary Email Address: [Trademarkgroup@altria.com](mailto:Trademarkgroup@altria.com)  
Attorney Email Authorized: Yes

### Correspondent

**Correspondent** Robyn Ettricks  
**Name/Address:** 601 E JACKSON ST  
RICHMOND, VIRGINIA 23219  
UNITED STATES

**Correspondent e-mail:** [Trademarkgroup@altria.com](mailto:Trademarkgroup@altria.com) [dctrademarks@dlapi.per.com](mailto:dctrademarks@dlapi.per.com)

**Correspondent e-mail** Yes  
**Authorized:**

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Jun. 01, 2015	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 01, 2015	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 04, 2014	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jun. 04, 2014	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Apr. 16, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 16, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Apr. 08, 2014	REGISTERED-PRINCIPAL REGISTER	
Mar. 06, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Mar. 05, 2014	LAW OFFICE REGISTRATION REVIEW COMPLETED	69712
Feb. 26, 2014	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
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Aug. 02, 2013	EXAMINERS AMENDMENT -WRITTEN	80815
Jul. 31, 2013	ASSIGNED TO EXAMINER	80815
Jun. 19, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 14, 2013	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

**TM Staff Information - None**

**File Location**

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Mar. 05, 2014



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**Record 1 out of 1**[TSDR](#)[ASSIGN Status](#)[TTAB Status](#)*( Use the "Back" button of the Internet Browser to return to TESS)***MARKTEN**

<b>Word Mark</b>	MARKTEN
<b>Goods and Services</b>	IC 009. US 021 023 026 036 038. G & S: Batteries, battery chargers, and car adaptors for electronic cigarettes. FIRST USE: 20130812. FIRST USE IN COMMERCE: 20130812
<b>Mark Drawing Code</b>	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
<b>Serial Number</b>	85956462
<b>Filing Date</b>	June 11, 2013
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	September 24, 2013
<b>Registration Number</b>	<b>4512649</b>
<b>Registration Date</b>	April 8, 2014
<b>Owner</b>	(REGISTRANT) Nu Mark LLC LIMITED LIABILITY COMPANY VIRGINIA 6603 West Broad Street Richmond VIRGINIA 23230
<b>Attorney of Record</b>	Robyn Ettricks
<b>Description of Mark</b>	Color is not claimed as a feature of the mark. The mark consists of the word "MARKTEN".
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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PRIVACY POLICY

# United States of America

United States Patent and Trademark Office

## MARKTEN

**Reg. No. 4,512,650**

**Registered Apr. 8, 2014**

**Int. Cl.: 34**

**TRADEMARK**

**PRINCIPAL REGISTER**

NU MARK LLC (VIRGINIA LIMITED LIABILITY COMPANY)  
6601 WEST BROAD STREET  
RICHMOND, VA 23230

FOR: ELECTRONIC CIGARETTES AND CARTOMIZERS, IN CLASS 34 (U.S. CLS. 2, 8, 9 AND 17).

FIRST USE 8-12-2013; IN COMMERCE 8-12-2013.

THE MARK CONSISTS OF THE WORD "MARKTEN", WITH THE LETTERS "MARK" APPEARING IN BLACK AND LETTERS "TEN" APPEARING IN RED.

THE COLOR(S) BLACK AND RED IS/ARE CLAIMED AS A FEATURE OF THE MARK.

SN 85-956,465, FILED 6-11-2013.

SUNG IN, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

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**Mark:** MARKTEN



**US Serial Number:** 85956465  
**US Registration Number:** 4512650  
**Register:** Principal  
**Mark Type:** Trademark  
**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.  
**Status Date:** Apr. 08, 2014  
**Publication Date:** Sep. 24, 2013  
**Application Filing Date:** Jun. 11, 2013  
**Registration Date:** Apr. 08, 2014  
**Notice of Allowance Date:** Nov. 19, 2013

## Mark Information

**Mark Literal Elements:** MARKTEN  
**Standard Character Claim:** No  
**Mark Drawing Type:** 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM  
**Description of Mark:** The mark consists of the word "MARKTEN", with the letters "MARK" appearing in black and letters "TEN" appearing in red.  
**Color Drawing:** Yes  
**Color(s) Claimed:** The color(s) black and red is/are claimed as a feature of the mark.

## Goods and Services

**Note:** The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** Electronic cigarettes and cartomizers  
**International Class(es):** 034 - Primary Class  
**Class Status:** ACTIVE  
**Basis:** 1(a)  
**First Use:** Aug. 12, 2013  
**U.S Class(es):** 002, 008, 009, 017  
**Use in Commerce:** Aug. 12, 2013

## Basis Information (Case Level)

<b>Filed Use:</b> No	<b>Currently Use:</b> Yes	<b>Amended Use:</b> No
<b>Filed ITU:</b> Yes	<b>Currently ITU:</b> No	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

## Current Owner(s) Information

**Owner Name:** Nu Mark LLC  
**Owner Address:** 6603 West Broad Street  
Richmond, VIRGINIA 23230  
UNITED STATES  
**Legal Entity Type:** LIMITED LIABILITY COMPANY  
**State or Country Where Organized:** VIRGINIA

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Robyn Ettricks  
**Attorney Primary Email Address:** [Trademarkgroup@altria.com](mailto:Trademarkgroup@altria.com)  
**Attorney Email Authorized:** Yes

Correspondent	
<b>Correspondent Name/Address:</b>	Robyn Ettricks 601 E JACKSON ST RICHMOND, VIRGINIA 23219 UNITED STATES
<b>Correspondent e-mail:</b>	<a href="mailto:Trademarkgroup@altria.com">Trademarkgroup@altria.com</a> <a href="mailto:dctrademarks@dlapi.per.com">dctrademarks@dlapi per.com</a>
<b>Correspondent e-mail Authorized:</b>	Yes

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jun. 01, 2015	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 01, 2015	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
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Jun. 14, 2013	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

TM Staff Information - None	
File Location	
<b>Current Location:</b>	PUBLICATION AND ISSUE SECTION
<b>Date in Location:</b>	Mar. 05, 2014



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## Record 1 out of 1

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# MARKTEN

<b>Word Mark</b>	MARKTEN
<b>Goods and Services</b>	IC 034. US 002 008 009 017. G & S: Electronic cigarettes and cartomizers. FIRST USE: 20130812. FIRST USE IN COMMERCE: 20130812
<b>Mark Drawing Code</b>	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
<b>Serial Number</b>	85956465
<b>Filing Date</b>	June 11, 2013
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	September 24, 2013
<b>Registration Number</b>	4512650
<b>Registration Date</b>	April 8, 2014
<b>Owner</b>	(REGISTRANT) Nu Mark LLC LIMITED LIABILITY COMPANY VIRGINIA 6603 West Broad Street Richmond VIRGINIA 23230
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<b>Register</b>	PRINCIPAL
<b>Live/Dead</b>	LIVE

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# United States of America

United States Patent and Trademark Office

## MARKTEN

**Reg. No. 4,512,651**  
**Registered Apr. 8, 2014**  
**Int. Cl.: 9**

NU MARK LLC (VIRGINIA LIMITED LIABILITY COMPANY)  
6601 WEST BROAD STREET  
RICHMOND, VA 23230

FOR: BATTERIES, BATTERY CHARGERS, AND CAR ADAPTORS FOR ELECTRONIC CIGARETTES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

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FIRST USE 8-12-2013; IN COMMERCE 8-12-2013.

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**Mark:** MARKTEN



**US Serial Number:** 85956467  
**US Registration Number:** 4512651  
**Register:** Principal  
**Mark Type:** Trademark  
**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.  
**Status Date:** Apr. 08, 2014  
**Publication Date:** Sep. 24, 2013  
**Application Filing Date:** Jun. 11, 2013  
**Registration Date:** Apr. 08, 2014  
**Notice of Allowance Date:** Nov. 19, 2013

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**Use in Commerce:** Aug. 12, 2013

## Basis Information (Case Level)

<b>Filed Use:</b> No	<b>Currently Use:</b> Yes	<b>Amended Use:</b> No
<b>Filed ITU:</b> Yes	<b>Currently ITU:</b> No	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

## Current Owner(s) Information

**Owner Name:** Nu Mark LLC  
**Owner Address:** 6603 West Broad Street  
Richmond, VIRGINIA 23230  
UNITED STATES  
**Legal Entity Type:** LIMITED LIABILITY COMPANY  
**State or Country Where Organized:** VIRGINIA

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Robyn Ettricks  
**Attorney Primary Email Address:** [Trademarkgroup@altria.com](mailto:Trademarkgroup@altria.com)  
**Attorney Email Authorized:** Yes



Correspondent	
<b>Correspondent Name/Address:</b>	Robyn Ettricks 601 E JACKSON ST RICHMOND, VIRGINIA 23219 UNITED STATES
<b>Correspondent e-mail:</b>	<a href="mailto:Trademarkgroup@altria.com">Trademarkgroup@altria.com</a> <a href="mailto:dctrademarks@dlapi.per.com">dctrademarks@dlapi per.com</a>
<b>Correspondent e-mail Authorized:</b>	Yes

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jun. 01, 2015	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 01, 2015	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 04, 2014	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jun. 04, 2014	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Apr. 16, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 16, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Apr. 08, 2014	REGISTERED-PRINCIPAL REGISTER	
Mar. 06, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Mar. 05, 2014	LAW OFFICE REGISTRATION REVIEW COMPLETED	69712
Feb. 26, 2014	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Feb. 12, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 12, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 11, 2014	STATEMENT OF USE PROCESSING COMPLETE	66230
Jan. 06, 2014	USE AMENDMENT FILED	66230
Feb. 07, 2014	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66230
Jan. 06, 2014	TEAS STATEMENT OF USE RECEIVED	
Nov. 19, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Sep. 24, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Sep. 24, 2013	PUBLISHED FOR OPPOSITION	
Sep. 16, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 09, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Sep. 09, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Sep. 04, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Aug. 17, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	69712
Aug. 16, 2013	ASSIGNED TO LIE	69712
Aug. 02, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 02, 2013	EXAMINER'S AMENDMENT ENTERED	88888
Aug. 02, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Aug. 02, 2013	EXAMINERS AMENDMENT E-MAILED	6328
Aug. 02, 2013	EXAMINERS AMENDMENT -WRITTEN	80815
Jul. 31, 2013	ASSIGNED TO EXAMINER	80815
Jun. 19, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 14, 2013	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

TM Staff Information - None	
File Location	
<b>Current Location:</b>	PUBLICATION AND ISSUE SECTION
<b>Date in Location:</b>	Mar. 05, 2014





# United States Patent and Trademark Office

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## Trademarks > Trademark Electronic Search System (TESS)

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## Record 1 out of 1

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# MARKTEN

<b>Word Mark</b>	MARKTEN
<b>Goods and Services</b>	IC 009. US 021 023 026 036 038. G & S: Batteries, battery chargers, and car adaptors for electronic cigarettes. FIRST USE: 20130812. FIRST USE IN COMMERCE: 20130812
<b>Mark Drawing Code</b>	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
<b>Serial Number</b>	85956467
<b>Filing Date</b>	June 11, 2013
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	September 24, 2013
<b>Registration Number</b>	4512651
<b>Registration Date</b>	April 8, 2014
<b>Owner</b>	(REGISTRANT) Nu Mark LLC LIMITED LIABILITY COMPANY VIRGINIA 6603 West Broad Street Richmond VIRGINIA 23230
<b>Attorney of Record</b>	Robyn Ettricks
<b>Description of Mark</b>	The color(s) black and red is/are claimed as a feature of the mark. The mark consists of the word "MARKTEN", with the letters "MARK" appearing in black and the letters "TEN" appearing in red.
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL

**Live/Dead  
Indicator**      LIVE

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- TESS HOME
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  - FREE FORM
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# United States of America

United States Patent and Trademark Office



**Reg. No. 4,512,652**

**Registered Apr. 8, 2014**

**Int. Cl.: 34**

**TRADEMARK**

**PRINCIPAL REGISTER**

NU MARK LLC (VIRGINIA LIMITED LIABILITY COMPANY)  
6601 WEST BROAD STREET  
RICHMOND, VA 23230

FOR: ELECTRONIC CIGARETTES AND CARTOMIZERS, IN CLASS 34 (U.S. CLS. 2, 8, 9 AND 17).

FIRST USE 8-12-2013; IN COMMERCE 8-12-2013.

THE MARK CONSISTS OF A RECTANGLE WITH A BLACK EXTERIOR BORDER AND RED INTERIOR ABOVE A BLACK HORIZONTAL LINE WITH A CURVED END ON THE LEFT SIDE OVER THE WORD "MARKTEN" WITH THE LETTERS "MARK" APPEARING IN BLACK AND THE LETTERS "TEN" APPEARING IN RED.

THE COLOR(S) BLACK AND RED IS/ARE CLAIMED AS A FEATURE OF THE MARK.

SN 85-956,488, FILED 6-11-2013.

SUNG IN, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

***First Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

***Second Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\*  
*See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or  
reminder of these filing requirements.**

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE:** Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

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Mark: MARKTEN



US Serial Number: 85956488  
US Registration Number: 4512652  
Register: Principal  
Mark Type: Trademark  
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.  
Status Date: Apr. 08, 2014  
Publication Date: Sep. 24, 2013  
Application Filing Date: Jun. 11, 2013  
Registration Date: Apr. 08, 2014  
Notice of Allowance Date: Nov. 19, 2013

## Mark Information

Mark Literal Elements: MARKTEN  
Standard Character Claim: No  
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)  
Description of Mark: The mark consists of a rectangle with a black exterior border and red interior above a black horizontal line with a curved end on the left side over the word "MARKTEN" with the letters "MARK" appearing in black and the letters "TEN" appearing in red.  
Color Drawing: Yes  
Color(s) Claimed: The color(s) black and red is/are claimed as a feature of the mark.  
Design Search Code(s): 26.11.21 - Rectangles that are completely or partially shaded  
26.17.05 - Bars, horizontal; Horizontal line(s), band(s) or bar(s); Bands, horizontal; Lines, horizontal  
26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: Electronic cigarettes and cartomizers  
International Class(es): 034 - Primary Class  
U.S Class(es): 002, 008, 009, 017  
Class Status: ACTIVE  
Basis: 1(a)  
First Use: Aug. 12, 2013  
Use in Commerce: Aug. 12, 2013

## Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

Owner Name: Nu Mark LLC  
Owner Address: 6603 West Broad Street  
Richmond, VIRGINIA 23230  
UNITED STATES  
Legal Entity Type: LIMITED LIABILITY COMPANY  
State or Country Where Organized: VIRGINIA

## Attorney/Correspondence Information

Attorney of Record

Attorney Name: Robyn Ettricks

Attorney Primary Email Address: [Trademarkgroup@altria.com](mailto:Trademarkgroup@altria.com)

Attorney Email Yes  
Authorized:

**Correspondent**

**Correspondent Name/Address:** Robyn Ettricks  
601 E JACKSON ST  
RICHMOND, VIRGINIA 23219  
UNITED STATES

Correspondent e-mail: [Trademarkgroup@altria.com](mailto:Trademarkgroup@altria.com) [dctrademarks@dlapi.com](mailto:dctrademarks@dlapi.com)

Correspondent e-mail Yes  
Authorized:

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Jun. 01, 2015	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 01, 2015	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 04, 2014	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jun. 04, 2014	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Apr. 16, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
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Mar. 06, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Mar. 05, 2014	LAW OFFICE REGISTRATION REVIEW COMPLETED	69712
Feb. 26, 2014	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Feb. 12, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 12, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
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Feb. 07, 2014	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66230
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Nov. 19, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Sep. 24, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Sep. 24, 2013	PUBLISHED FOR OPPOSITION	
Sep. 16, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 09, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Sep. 09, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
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Aug. 02, 2013	EXAMINERS AMENDMENT E-MAILED	6328
Aug. 02, 2013	EXAMINERS AMENDMENT -WRITTEN	80815
Jul. 31, 2013	ASSIGNED TO EXAMINER	80815
Jun. 20, 2013	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Jun. 19, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 14, 2013	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

TM Staff Information - None

**File Location**

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Mar. 05, 2014





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## Trademarks > Trademark Electronic Search System (TESS)

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## Record 1 out of 1

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**Word Mark** MARKTEN

**Goods and Services** IC 034. US 002 008 009 017. G & S: Electronic cigarettes and cartomizers. FIRST USE: 20130812.  
FIRST USE IN COMMERCE: 20130812

### Mark

**Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Search Code** 26.11.21 - Rectangles that are completely or partially shaded  
26.17.05 - Bands, horizontal; Bars, horizontal; Horizontal line(s), band(s) or bar(s); Lines, horizontal  
26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved

**Serial Number** 85956488

**Filing Date** June 11, 2013

**Current Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** September 24, 2013

**Registration Number** 4512652

**Registration Date** April 8, 2014

**Owner** (REGISTRANT) Nu Mark LLC LIMITED LIABILITY COMPANY VIRGINIA 6603 West Broad Street  
Richmond VIRGINIA 23230

**Attorney of Record** Robyn Ettricks



**Description of Mark** The color(s) black and red is/are claimed as a feature of the mark. The mark consists of a rectangle with a black exterior border and red interior above a black horizontal line with a curved end on the left side over the word "MARKTEN" with the letters "MARK" appearing in black and the letters "TEN" appearing in red.

**Type of Mark** TRADEMARK

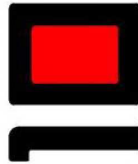
**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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# United States of America

United States Patent and Trademark Office



MARKTEN

**Reg. No. 4,512,653**

**Registered Apr. 8, 2014**

**Int. Cl.: 9**

NU MARK LLC (VIRGINIA LIMITED LIABILITY COMPANY)  
6601 WEST BROAD STREET  
RICHMOND, VA 23230

FOR: BATTERIES, BATTERY CHARGERS, AND CAR ADAPTORS FOR ELECTRONIC CIGARETTES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

**TRADEMARK**

FIRST USE 8-12-2013; IN COMMERCE 8-12-2013.

**PRINCIPAL REGISTER**

THE MARK CONSISTS OF A RECTANGLE WITH A BLACK EXTERIOR BORDER AND RED INTERIOR ABOVE A BLACK HORIZONTAL LINE WITH A CURVED END ON THE LEFT SIDE OVER THE WORD "MARKTEN" WITH THE LETTERS "MARK" APPEARING IN BLACK AND THE LETTERS "TEN" APPEARING IN RED.

THE COLOR(S) BLACK AND RED IS/ARE CLAIMED AS A FEATURE OF THE MARK.

SN 85-956,492, FILED 6-11-2013.

SUNG IN, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***  
**What and When to File:**

***First Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

***Second Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\*  
*See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***  
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**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

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Mark: MARKTEN



US Serial Number: 85956492      Application Filing Date: Jun. 11, 2013  
US Registration Number: 4512653      Registration Date: Apr. 08, 2014  
Register: Principal  
Mark Type: Trademark  
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.  
Status Date: Apr. 08, 2014  
Publication Date: Sep. 24, 2013      Notice of Allowance Date: Nov. 19, 2013

## Mark Information

Mark Literal Elements: MARKTEN  
Standard Character Claim: No  
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)  
Description of Mark: The mark consists of a rectangle with a black exterior border and red interior above a black horizontal line with a curved end on the left side over the word "MARKTEN" with the letters "MARK" appearing in black and the letters "TEN" appearing in red.  
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## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: Batteries, battery chargers, and car adaptors for electronic cigarettes

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 12, 2013

Use in Commerce: Aug. 12, 2013

## Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

Owner Name: Nu Mark LLC  
Owner Address: 6603 West Broad Street  
Richmond, VIRGINIA 23230  
UNITED STATES  
Legal Entity Type: LIMITED LIABILITY COMPANY      State or Country Where Organized: VIRGINIA

## Attorney/Correspondence Information

Attorney of Record

Attorney Name: Robyn Ettricks

Attorney Primary Email Address: [Trademarkgroup@altria.com](mailto:Trademarkgroup@altria.com)

Attorney Email Yes  
Authorized:

**Correspondent**

**Correspondent Name/Address:** Robyn Ettricks  
601 E JACKSON ST  
RICHMOND, VIRGINIA 23219  
UNITED STATES

Correspondent e-mail: [Trademarkgroup@altria.com](mailto:Trademarkgroup@altria.com) [dctrademarks@dlapi.com](mailto:dctrademarks@dlapi.com)

Correspondent e-mail Yes  
Authorized:

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Jun. 01, 2015	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 01, 2015	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 04, 2014	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
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Feb. 07, 2014	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66230
Jan. 06, 2014	TEAS STATEMENT OF USE RECEIVED	
Nov. 19, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Sep. 24, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Sep. 24, 2013	PUBLISHED FOR OPPOSITION	
Sep. 16, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 09, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Sep. 09, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Sep. 04, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Aug. 17, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	69712
Aug. 16, 2013	ASSIGNED TO LIE	69712
Aug. 02, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 02, 2013	EXAMINER'S AMENDMENT ENTERED	88888
Aug. 02, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Aug. 02, 2013	EXAMINERS AMENDMENT E-MAILED	6328
Aug. 02, 2013	EXAMINERS AMENDMENT -WRITTEN	80815
Jul. 31, 2013	ASSIGNED TO EXAMINER	80815
Jun. 20, 2013	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Jun. 19, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 14, 2013	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

TM Staff Information - None

**File Location**

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Mar. 05, 2014



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## Record 1 out of 1

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**Word Mark** MARKTEN

**Goods and Services** IC 009. US 021 023 026 036 038. G & S: Batteries, battery chargers, and car adaptors for electronic cigarettes. FIRST USE: 20130812. FIRST USE IN COMMERCE: 20130812

### Mark

**Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design** 26.11.21 - Rectangles that are completely or partially shaded

**Search** 26.17.05 - Bands, horizontal; Bars, horizontal; Horizontal line(s), band(s) or bar(s); Lines, horizontal

**Code** 26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved

**Serial Number** 85956492

**Filing Date** June 11, 2013

**Current Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** September 24, 2013

**Registration Number** 4512653

**Registration Date** April 8, 2014

**Owner** (REGISTRANT) Nu Mark LLC LIMITED LIABILITY COMPANY VIRGINIA 6603 West Broad Street Richmond VIRGINIA 23230

**Attorney of Record** Robyn Ettricks

**Description of Mark** The color(s) black and red is/are claimed as a feature of the mark. The mark consists of a rectangle with a black exterior border and red interior above a black horizontal line with a curved end on the left side over the word "MARKTEN" with the letters "MARK" appearing in black and the letters "TEN" appearing in red.

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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# United States of America

United States Patent and Trademark Office



**Reg. No. 4,512,654**

**Registered Apr. 8, 2014**

**Int. Cl.: 34**

NU MARK LLC (VIRGINIA LIMITED LIABILITY COMPANY)  
6601 WEST BROAD STREET  
RICHMOND, VA 23230

FOR: ELECTRONIC CIGARETTES AND CARTOMIZERS, IN CLASS 34 (U.S. CLS. 2, 8, 9 AND 17).

**TRADEMARK**

FIRST USE 8-12-2013; IN COMMERCE 8-12-2013.

**PRINCIPAL REGISTER**

THE MARK CONSISTS OF A RECTANGLE WITH A BLACK EXTERIOR BORDER AND RED INTERIOR ABOVE A BLACK HORIZONTAL LINE WITH A CURVED END ON THE LEFT SIDE PLACED TO THE LEFT OF THE WORD "MARKTEN" WITH THE LETTERS "MARK" APPEARING IN BLACK AND THE LETTERS "TEN" APPEARING IN RED.

THE COLOR(S) BLACK AND RED IS/ARE CLAIMED AS A FEATURE OF THE MARK.

SN 85-956,496, FILED 6-11-2013.

SUNG IN, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***  
**What and When to File:**

***First Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

***Second Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\*  
*See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***  
**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or  
reminder of these filing requirements.**

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

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Mark: MARKTEN



**US Serial Number:** 85956496  
**US Registration Number:** 4512654  
**Register:** Principal  
**Mark Type:** Trademark  
**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.  
**Status Date:** Apr. 08, 2014  
**Publication Date:** Sep. 24, 2013  
**Application Filing Date:** Jun. 11, 2013  
**Registration Date:** Apr. 08, 2014  
**Notice of Allowance Date:** Nov. 19, 2013

## Mark Information

**Mark Literal Elements:** MARKTEN  
**Standard Character Claim:** No  
**Mark Drawing Type:** 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)  
**Description of Mark:** The mark consists of a rectangle with a black exterior border and red interior above a black horizontal line with a curved end on the left side placed to the left of the word "MARKTEN" with the letters "MARK" appearing in black and the letters "TEN" appearing in red.  
**Color Drawing:** Yes  
**Color(s) Claimed:** The color(s) black and red is/are claimed as a feature of the mark.  
**Design Search Code(s):** 26.11.21 - Rectangles that are completely or partially shaded  
26.17.05 - Bars, horizontal; Horizontal line(s), band(s) or bar(s); Bands, horizontal; Lines, horizontal  
26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved

## Goods and Services

**Note:** The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "\*" identify additional (new) wording in the goods/services.

**For:** Electronic cigarettes and cartomizers  
**International Class(es):** 034 - Primary Class  
**U.S Class(es):** 002, 008, 009, 017  
**Class Status:** ACTIVE  
**Basis:** 1(a)  
**First Use:** Aug. 12, 2013  
**Use in Commerce:** Aug. 12, 2013

## Basis Information (Case Level)

<b>Filed Use:</b> No	<b>Currently Use:</b> Yes	<b>Amended Use:</b> No
<b>Filed ITU:</b> Yes	<b>Currently ITU:</b> No	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

## Current Owner(s) Information

**Owner Name:** Nu Mark LLC  
**Owner Address:** 6603 West Broad Street  
Richmond, VIRGINIA 23230

UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: VIRGINIA

**Attorney/Correspondence Information****Attorney of Record**

Attorney Name: Robyn Ettricks

Attorney Primary Email Address: [Trademarkgroup@altria.com](mailto:Trademarkgroup@altria.com)

Attorney Email Authorized: Yes

**Correspondent**Correspondent Name/Address: Robyn Ettricks  
601 E JACKSON ST  
RICHMOND, VIRGINIA 23219  
UNITED STATESCorrespondent e-mail: [Trademarkgroup@altria.com](mailto:Trademarkgroup@altria.com) [dctrademarks@dlapi.com](mailto:dctrademarks@dlapi.com)

Correspondent e-mail Authorized: Yes

**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Jun. 01, 2015	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 01, 2015	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 04, 2014	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jun. 04, 2014	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Apr. 16, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 16, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Apr. 08, 2014	REGISTERED-PRINCIPAL REGISTER	
Mar. 06, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Mar. 05, 2014	LAW OFFICE REGISTRATION REVIEW COMPLETED	69712
Feb. 26, 2014	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Feb. 12, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 12, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 11, 2014	STATEMENT OF USE PROCESSING COMPLETE	66230
Jan. 06, 2014	USE AMENDMENT FILED	66230
Feb. 07, 2014	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66230
Jan. 06, 2014	TEAS STATEMENT OF USE RECEIVED	
Nov. 19, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Sep. 24, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Sep. 24, 2013	PUBLISHED FOR OPPOSITION	
Sep. 16, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 09, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Sep. 09, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Sep. 04, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Aug. 17, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	69712
Aug. 16, 2013	ASSIGNED TO LIE	69712
Aug. 02, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 02, 2013	EXAMINER'S AMENDMENT ENTERED	88888
Aug. 02, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Aug. 02, 2013	EXAMINERS AMENDMENT E-MAILED	6328
Aug. 02, 2013	EXAMINERS AMENDMENT -WRITTEN	80815
Jul. 31, 2013	ASSIGNED TO EXAMINER	80815
Jun. 20, 2013	NOTICE OF DESIGN SEARCH CODE E-MAILED	

Jun. 19, 2013 NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM

Jun. 14, 2013 NEW APPLICATION ENTERED IN TRAM

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## TM Staff and Location Information

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TM Staff Information - None

File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Mar. 05, 2014



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**Word Mark** MARKTEN

**Goods and Services** IC 034. US 002 008 009 017. G & S: Electronic cigarettes and cartomizers. FIRST USE: 20130812. FIRST USE IN COMMERCE: 20130812

### Mark

**Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Search Code** 26.11.21 - Rectangles that are completely or partially shaded  
26.17.05 - Bands, horizontal; Bars, horizontal; Horizontal line(s), band(s) or bar(s); Lines, horizontal  
26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved

**Serial Number** 85956496

**Filing Date** June 11, 2013

**Current Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** September 24, 2013

**Registration Number** 4512654

**Registration Date** April 8, 2014

**Owner** (REGISTRANT) Nu Mark LLC LIMITED LIABILITY COMPANY VIRGINIA 6603 West Broad Street Richmond VIRGINIA 23230

**Attorney of Record** Robyn Ettricks

**Description of Mark** The color(s) black and red is/are claimed as a feature of the mark. The mark consists of a rectangle with a black exterior border and red interior above a black horizontal line with a curved end on the left side placed to the left of the word "MARKTEN" with the letters "MARK" appearing in black and the letters "TEN" appearing in red.

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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Mark: MARKTEN



US Serial Number: 85956499

Application Filing Date: Jun. 11, 2013

Register: Principal

Mark Type: Trademark

Status: A third request for extension of time to file a Statement of Use has been granted.

Status Date: May 25, 2015

Publication Date: Sep. 24, 2013

Notice of Allowance Date: Nov. 19, 2013

## Mark Information

Mark Literal Elements: MARKTEN

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of a rectangle with a black exterior border and red interior above a black horizontal line with a curved end on the left side placed to the left of the word "MARKTEN" with the letters "MARK" appearing in black and the letters "TEN" appearing in red.

Color Drawing: Yes

Color(s) Claimed: The color(s) black and red is/are claimed as a feature of the mark.

Design Search Code(s): 26.11.21 - Rectangles that are completely or partially shaded  
26.17.05 - Bars, horizontal; Horizontal line(s), band(s) or bar(s); Bands, horizontal; Lines, horizontal  
26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: Batteries, battery chargers, and car adaptors for electronic cigarettes

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(b)

## Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

## Current Owner(s) Information

Owner Name: Nu Mark LLC

Owner Address: 6603 West Broad Street  
Richmond, VIRGINIA 23230  
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where: VIRGINIA



Organized:

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Robyn Ettricks

Attorney Primary Email Address: [Trademarkgroup@altria.com](mailto:Trademarkgroup@altria.com)Attorney Email Yes  
Authorized:

### Correspondent

Correspondent Name/Address: Robyn Ettricks  
601 E JACKSON ST  
RICHMOND, VIRGINIA 23219  
UNITED STATESCorrespondent e-mail: [Trademarkgroup@altria.com](mailto:Trademarkgroup@altria.com) [dctrademarks@dlapi.com](mailto:dctrademarks@dlapi.com)Correspondent e-mail Yes  
Authorized:

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jun. 01, 2015	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 01, 2015	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 26, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
May 25, 2015	EXTENSION 3 GRANTED	66530
May 19, 2015	EXTENSION 3 FILED	66530
May 19, 2015	TEAS EXTENSION RECEIVED	
Jan. 10, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jan. 09, 2015	EXTENSION 2 GRANTED	66530
Nov. 14, 2014	EXTENSION 2 FILED	66530
Jan. 08, 2015	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66530
Nov. 14, 2014	TEAS EXTENSION RECEIVED	
Jun. 04, 2014	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jun. 04, 2014	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
May 08, 2014	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
May 06, 2014	EXTENSION 1 GRANTED	98765
May 06, 2014	EXTENSION 1 FILED	98765
May 06, 2014	TEAS EXTENSION RECEIVED	
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Apr. 16, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
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Feb. 12, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
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Sep. 24, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Sep. 24, 2013	PUBLISHED FOR OPPOSITION	
Sep. 16, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 09, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Sep. 09, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Sep. 04, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Aug. 17, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	69712
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Jun. 20, 2013	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Jun. 19, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 14, 2013	NEW APPLICATION ENTERED IN TRAM	

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## TM Staff and Location Information

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### TM Staff Information

**TM Attorney:** IN, SUNG HYUN

**Law Office Assigned:** LAW OFFICE 103

### File Location

**Current Location:** INTENT TO USE SECTION

**Date in Location:** Jan. 08, 2015



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**Word Mark** MARKTEN

**Goods and Services** IC 009. US 021 023 026 036 038. G & S: Batteries, battery chargers, and car adaptors for electronic cigarettes

### Mark

**Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design** 26.11.21 - Rectangles that are completely or partially shaded

**Search** 26.17.05 - Bands, horizontal; Bars, horizontal; Horizontal line(s), band(s) or bar(s); Lines, horizontal

**Code** 26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved

**Serial Number** 85956499

**Filing Date** June 11, 2013

**Current Basis** 1B

**Original Filing Basis** 1B

**Published for Opposition** September 24, 2013

**Owner** (APPLICANT) Nu Mark LLC LIMITED LIABILITY COMPANY VIRGINIA 6603 West Broad Street Richmond VIRGINIA 23230

**Attorney of Record** Robyn Ettricks

**Description of Mark** The color(s) black and red is/are claimed as a feature of the mark. The mark consists of a rectangle with a black exterior border and red interior above a black horizontal line with a curved end on the left side placed to the left of the word "MARKTEN" with the letters "MARK" appearing in black and the letters "TEN" appearing in red.

**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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